

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

HONEYWELL INTERNATIONAL, INC.

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

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* **Enforcement Tracking No.**

* **WE-P-02-0651**

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* **Docket No. 2003-0394-EQ**

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SETTLEMENT

The following Settlement is hereby agreed to between Honeywell International, Inc. "Respondent" and the Department of Environmental Quality, the "Department", under authority granted by the Louisiana Environmental Quality Act, LSA- R.S. 30:2001, et seq. (the "Act").

I

Respondent owns and/or operates an organic chemical plant located at the corner of Lupine and Ontario Streets in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent was issued National Pollutant Discharge Elimination System (NPDES) Permit LA0000329 from the Environmental Protection Agency (EPA) with an effective date of November 1, 1995 and an expiration date of October 31, 2000. In accordance with the assumption of the NPDES program by the state, NPDES permit LA0000329 became a Louisiana Pollutant Discharge Elimination System (LPDES) permit with the same expiration date. The Respondent submitted a permit renewal application to the Department on or about May 5, 2000; therefore the permit was administratively continued. Under the terms and conditions of the LPDES permit, the Respondent is authorized to discharge process wastewater, utility wastewater sanitary wastewater, and uncontaminated storm water runoff to the Mississippi River, waters of the state.

II

On October 28, 2002, the Department issued a Penalty Assessment in the amount of \$110,675.39 to

Respondent which was based upon the following findings of fact:

- A. A file review conducted by the Department revealed effluent violations for the monitoring periods of June 1997 through September 2001 (See Section II of WE-P-02-0651 for specific violations) regarding their LPDES permit LA0000329 (Part I, pages 1,2,3,5,6,8,9,10,11 and 12 and Part III, Section A.2) and La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A;
- B. A file review conducted by the Department revealed mechanical tube failure of the HF vaporizer at Outfall 003 causing unauthorized discharges of inadequately treated wastewater in August 1998. Also, on or about November 4, 1998 there was a malfunctioning level instrument at Outfall 001. These operation and maintenance deficiencies are in violation of LPDES permit LA0000329 (Part III, Sections A.2 and B.3), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A and LAC 33:IX.2355.E;
- C. A file review conducted by the Department revealed failure to properly monitor and/or sample its effluent at Outfall 003, specifically, on or about November 24, 1997, the weekly required sample was not taken for trichlorofluoromethane; also on or about September 16, 1998, the sample bottle to be analyzed for Total Organic Carbon (TOC) was broken and no TOC (Total Organic Carbon) sample was reported for that week. These monitoring and/or sampling deficiencies constitute violations of LPDES permit LA0000329 (Part I, Page 11 and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A and LAC 33:IX.2355.A.
- D. Compliance Order WE-C-97-0301 was issued to Respondent on September 12, 1997 for effluent violations from the period of September 1996 to April 1997 and for submitting incorrect Discharge

Monitoring Reports (DMRs). The Respondent was ordered to: cease all unauthorized discharges to waters of the state, meet and maintain compliance with LPDES permit LA0000329 and prepare and submit to the Department a written report describing the violations and actions taken to achieve compliance with the Compliance Order. The Respondent submitted a response to Compliance Order WE-C-97-0301 on or about October 21, 1997 describing the cited violations and corrective actions taken by the Respondent.

- E. Compliance Order WE-C-99-0101 was issued to the Respondent on or about September 23, 1999 for effluent violations from the period of June 1997 to June 1999, operation and maintenance deficiencies, monitoring and/or sampling deficiencies and unauthorized discharge. The Respondent was ordered to cease all unauthorized discharges to waters of the state, meet and maintain compliance with LPDES permit LA0000329, provide proper operation and maintenance, provide proper sampling and prepare and submit to the Department a written report describing the violations and the actions taken to achieve compliance with the Compliance Order. The Respondent submitted a response to Compliance Order WE-C-99-0101 on or about November 5, 1999 describing the cited and corrective actions taken by the Respondent.
- F. Amended Compliance Order WE-C-99-0101A was issued to the Respondent on or about June 22, 2000 to delete the unauthorized discharge paragraph from Compliance Order WE-C-99-0101.
- G. Notice of Potential Penalty WE-PP-99-0201 was issued to the Respondent on or about June 22, 2000 for effluent violations from the periods of June 1997 to March 2000, for operation and maintenance deficiencies and monitoring and/or sampling deficiencies. The Respondent submitted a response to Notice of Potential Penalty WE-PP-99-0201 on or about July 28, 2000 describing the cited violations and corrective actions taken by the Respondent.

- H. Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0009 was issued to Respondent on or about February 19, 2001 for effluent violations from the periods of September 1999 to November 2000. The Respondent submitted a response to Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0009 on or about March 19, 2001 describing the cited violations and corrective actions taken by Respondent.
- I. Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0560 was issued to the Respondent on or about February 28, 2002 for effluent violations from the periods of April 2001 to September 2001. The Respondent submitted a response to Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0560 on or about April 10, 2002 describing the cited violations and corrective actions taken by Respondent.

III.

Subsequent to the issuance of the above mentioned Penalty Assessment, a file review conducted by the Department revealed the following excursions reported by Respondent to the Department for the monitoring periods from January 2002 to November 2002:

Date	Outfall	Parameter	Limit	Result	NCR
January 2002	001	TSS (Loading-Daily Max)	646 lbs/day	931 lbs/day	Submitted
February 2002	003	PH	6-9	>60 min	Submitted
March 2002	001	PH	6-9	>60 min	Submitted
August 2002	001	Antimony (Loading-Daily Max)	4.0 lbs/day	4.72 lbs/day	Submitted
September 2002	003	Zinc (Daily Max.)	0.8 mg/L	1.9 mg/L	Submitted
November 2002	001	BOD5 (Loading-Daily Max.)	375 lbs/day	386 lbs/day	Submitted

IV

In response to the penalty assessment, Respondent made a timely request for a hearing.

V

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

VI

Nonetheless, the Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of NINETY-ONE THOUSAND AND NO/100 DOLLARS (\$91,000.00), of which \$695.00 represents the Department's enforcement costs in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VII

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action the Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VIII

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement.

IX

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303.

XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

WITNESSES:

W. A. H. R.

RESPONDENT

BY: J. M. M. H.
(Signature)

J. M. McGinnis
(Printed)

TITLE: Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 30 day of
June, 20 03, in East Baton Rouge Parish

James D. Bohlinger
NOTARY PUBLIC

WITNESSES:

James M. Harte
Wayne B. Harte

STATE OF LOUISIANA
Hall Bohlinger, Secretary
Department of Environmental Quality

BY: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 12th day of
September, 20 03, in Baton Rouge, Louisiana.

James D. Bohlinger
NOTARY PUBLIC

Approved: R. Bruce Hammatt
R. Bruce Hammatt, Assistant Secretary

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This Settlement Agreement has been reviewed, and is concurred in, by the Attorney General,
under the provisions of La. R.S. 30:2050.7.

RICHARD P. IEYOUB
ATTORNEY GENERAL

DATED: 8-20-03

BY: 
ASSISTANT ATTORNEY GENERAL